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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

KELLY, C

ART UNIT

PAPER NUMBER

1721

DATE MAILED:

09/28/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/869,109

Applicant(s)
Chesser et al.

Examiner
Kelly, C.H.

Group Art Unit
1721



☒ Responsive to communication(s) filed on Jul 19, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-3, 7, 9, 14-16, 21-23, 26, and 29-42 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3, 7, 9, 14-16, 21-23, 26, and 29-42 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review; PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Claims 1-3, 7, 9, 26-²⁹⁻⁴⁰~~40~~, 42-56 and 57-65 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant has amended the claims to read on a "method for hydrating a polymer". There is not a method for hydrating a polymer in the specification. The claim language should be directed to the original method language.

The addition of the phrase "even absent other solvating agents" to claims 1, 26, 42 and 57 is considered new matter. The subject matter is not found in the specification. The phrase should be deleted.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7, 9, 14-16, 21-23, 26 and 29-41 and 42-65 rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2084586.

The GB reference teaches adding a brine to a polymer to make a polymer dispersion and then adding the polymer dispersion to another brine solution resulting in a brine having a higher concentration. See page 2, described as latter embodiment in lines 35-45. The reference discloses

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that a polymer, water and inorganic salt are mixed together to hydrate the polymer and then an aqueous brine is admixed with the polymer suspension. Calcium bromide, zinc bromide, calcium chloride and zinc chloride are among the preferred cations used. Also, see examples 1 and 2.

The difference between the reference and the application is that the reference does not specifically state the ranges as applicant claims. However, the amounts used are subject to modification due to the desirability of the well completion solutions. It is obvious to optimize the amounts of the components of a composition. In re Aller 105 USPQ 223. It would have been obvious to one of ordinary skill in the art to make the claimed invention by the method also claimed because the GB reference teaches hydrating a polymer in a brine and then adding that solution to an additional aqueous brine.

The rejection over DD '559, House and Mondhsine is withdrawn since none of these references provide motivation to choose multivalent cations over monovalent cations for use as the brines. Applicant's arguments with respect to claims 1-3, 7, 9, 14-16, 21-23, 26 and 29-65 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kelly whose telephone number is (703) 308-0449. The examiner can normally be reached on Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gabrielle Brouillette, can be reached on (703) 308-0756. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5408.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

C.H. Kelly

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CH Kelly